

REMARKS

By this response, Applicants have not amended the claims. As a result, claims 8-27 are pending in this application. Applicants do not acquiesce in the correctness of the objections and rejections and reserve the right to pursue the full scope of the subject matter of the original claims, or claims that are potentially broader in scope, in the current and/or a related patent application. Reconsideration in view of the following remarks is respectfully requested.

Entry of this Amendment is proper under 37 C.F.R. §1.116(b) because the Amendment: (a) places the application in condition for allowance as discussed below; (b) does not raise any new issues requiring further search and/or consideration; and (c) places the application in better form for appeal. Accordingly, Applicants respectfully request entry of this Amendment.

Claims 8-21 and 23 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Office asserts that claims 8 and 23 recite the limitation "the space diagonals" and that there is insufficient antecedent basis for this limitation in the claim. In response, Applicants assert that there is sufficient antecedent basis for "the space diagonals" in claims 8 and 23 because "the space diagonals" are inherent components of the casing. See, e.g., MPEP §2173.05(e), citing *Bose Corp. v. JBL, Inc.*, 274 F.3d 1354, 1359, 61 USPQ2d 1216, 1218-19 (Fed. Cir 2001) ("the limitation 'the outer surface of said sphere' would not require an antecedent recitation that the sphere has an outer surface"). Accordingly, Applicants respectfully request that the Office withdraw this rejection.

In the Office Action, the Office rejects claims 22, 24, 25, 26 and 27 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 4,384,268 (Matthewman). In order to maintain a proper rejection under 35 U.S.C. § 102, the Office must show that a single reference discloses each feature of the claimed invention. In particular, the Office must show that "[t]he identical invention... [is] shown in as complete detail as is contained in the... claim" to maintain a rejection under 35 U.S.C. § 102. See, e.g., MPEP § 2131, citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). To this extent, in order to anticipate the claimed inventions, the reference must "disclose[] within the four corners of the document not only all of the limitations claimed but also all of the limitations arranged or combined in the same way as recited in the claim." *Net MoneyIN, Inc. v. VeriSign, Inc.*, No. 2007-1565, pp. 17-18 (Fed. Cir. 2008). Applicants respectfully submit that the Office fails to present such a showing.

For example, with respect to claim 22, Applicants respectfully submit that the Office fails, *inter alia*, to show that Matthewman discloses "a first indicating apparatus includ[ing] a first **plurality** of indicating devices that are located on the casing such that at least one of the first plurality of indicating devices is visible from **each** viewing direction for the casing" as claimed therein. In support of the rejection, the Office points to Col. 2, line 59-Col. 3, lines 50 and Figs. 1-2 of Matthewman as allegedly disclosing this feature. See Final Office Action, page 3. However, Applicants contend that Matthewman fails to disclose the first indicating apparatus including a first plurality of indicating devices as in claim 22. The Office submits that element 10 of Matthewman allegedly discloses the first indicating apparatus of claim 22. See Final Office Action,

page 2. Applicants assert that element 10 of Matthewman is a single LED and, in contrast, the first indicating apparatus of claim 22 includes a plurality of indicating devices. Therefore, element 10 of Matthewman fails to disclose the first indicating apparatus.

Further, as can readily be seen in Fig. 2 of Matthewman, both indicating lamps 10, 11 are located on the top side. Applicants note that the indicating lamps 10, 11 of Matthewman are not visible from each viewing direction. For example, one viewing the apparatus from a location behind the bottom side of the housing 20 cannot view either lamp. In contrast, the invention of claim 22 provides that the indicating devices are visible from each viewing direction for the casing. In this manner, it is always possible for an operator to notice at least one indicating device. Therefore, Matthewman fails to disclose that "at least one of the first plurality of indicating devices is visible from each viewing direction for the casing."

In light of the above, Applicants respectfully submit that Matthewman fails to disclose not only all of the limitations claimed but also all of the limitations arranged or combined in the same way as recited in claim 22. As a result, Applicants respectfully request withdrawal of the rejections of claim 22 and claims 24-25, which depend therefrom, as allegedly being anticipated by Matthewman. Further, Applicants submit that claim 23, which also depends from claim 22, is allowable.

With respect to claim 26, Applicants submit that the Office fails, *inter alia*, to show that Matthewman discloses a first plurality of indicating devices that includes all the features claimed therein. For example, for reasons that should be clear from the discussion of Matthewman above, Applicants submit that Matthewman fails to disclose

the first plurality of indicating devices of claim 26, which are located on the casing such that at least one of the first plurality of indicating devices is visible from each viewing direction for the casing. As a result, Applicants respectfully request withdrawal of the rejections of claim 26 and claim 27, which depends therefrom, as allegedly being anticipated by Matthewman.

Applicants submit that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicants do not acquiesce to the Office's interpretation of the claimed subject matter or the reference used in rejecting the claimed subject matter. These features have not been separately addressed herein for brevity. However, Applicants reserve the right to present such arguments in a later response should one be necessary and/or in a related patent application, either of which may seek to obtain protection for claims of a potentially broader scope.

In light of the above, Applicants respectfully request withdrawal of all pending rejections of the claims. Should the Examiner require anything further to place the application in condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,

/John LaBatt/

John W. LaBatt, Reg. No. 48,301
Hoffman Warnick LLC
75 State Street, 14th Floor
Albany, NY 12207
(518) 449-0044 - Telephone
(518) 449-0047 - Facsimile

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